

Jeopardy Assessment
for the Proposed Incidental Taking Authorization
of the Butler's Garter Snake

Jewish Community Center Family Park
City of Mequon, Ozaukee County, Wisconsin

Background

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed Jewish Community Center Family Park project will be constructed in suitable Butler's gartersnake habitat that is part of a potential significant conservation (Tier 3) site. Snake presence has not been confirmed at this time, but surveys will be conducted between September 20 and October 31 to verify presence and determine the site's viability. If present, this project has the potential to cause incidental take of the Butler's gartersnake and destruction of suitable habitat.

The Department has agreed to authorize the take in advance of surveys upon approval of a Department-approved conservation plan that outlines a mitigation strategy and long-term protection of the mitigated area. The department will require that the no-net-loss requirement be met and also require additional habitat mitigation to offset the potential take. Specifically, the department will require the following:

1. Population viability surveys must be conducted between September 20 and October 31 to verify presence and determine the site's viability. If surveys confirm snake presence, then a department-approved Conservation Plan is required with the following requirements:
 - a. The suitable habitat patch will not diminish in acreage.
 - b. The suitable habitat being permanently lost in the construction area must be:
 - 1.) restored to good quality habitat at a 1 to 1 ratio in habitat that is not currently suitable habitat, and
 - 2.) enhanced to good quality habitat at a 2-1 ratio where suitable habitat is currently of poor quality.
 - c. Restoration of a 75-foot upland buffer around wetlands where the adjacent uplands are currently unsuitable.
 - d. Permanent protection all suitable habitat on the construction site that is undisturbed or is restored to suitable habitat following construction AND protect all habitat outside the project area that is used to mitigate the permanent habitat loss on the construction site AND any areas where the 75-foot buffer is restored per the conservation strategy. These areas must be protected through a conservation easement with the department or a department-approved land trust.
 - e. Annual management of all suitable habitat within the conservation easement such that it remains as good quality habitat as defined by the conservation strategy.

The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part if the conservation plan is strictly adhered to.